

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARCUS ANDERSON,

Plaintiff,

v.

JOHN DOES #1 and #2, et al.

Defendants.

ORDER

Case No. 21-cv-769-jdp

On December 29, 2021, I entered an order assessing plaintiff Marcus Anderson an initial partial payment of \$38.32 in the above case. Now plaintiff has filed a letter explaining he cannot pay the filing fee and requests to waive the initial partial filing fee. Dkt. 6. I will deny without prejudice plaintiff's request for the following reasons.

In 28 U.S.C. § 1915, Congress has dictated the manner in which prisoners must pay the fees for filing federal lawsuits and appeals, and I have no discretion to modify this method. In calculating the amount of plaintiff's initial partial payment in this case, I used the first inmate account statement plaintiff submitted on December 27, 2021. Dkt. 4. That inmate account statement shows that plaintiff has had deposits made to his account, which I was able to calculate plaintiff's average monthly deposits to be \$38.32.

However, I will give plaintiff an extension of time until February 22, 2022, to submit the \$38.32 initial partial payment. If by February 22, plaintiff is still unable to pay the \$38.32 initial partial payment, plaintiff should submit documentation that shows the efforts that he has taken to request the \$38.32 initial partial payment from the institution financial office.

ORDER

IT IS ORDERED that:

1. Plaintiff Marcus Anderson's motion to waive the initial partial payment in the above case, dkt. 6, is DENIED without prejudice.
2. Plaintiff may have an enlargement of time, to February 22, 2022, in which to submit a check or money order payable to the clerk of court in the amount of \$38.32 or to submit an updated inmate account statement. If plaintiff does not have enough money in his regular account to pay the \$38.32 initial partial payment, plaintiff may use funds from his release account to pay the \$38.32 initial partial payment.
3. If, by February 22, 2022 plaintiff fails to make the \$38.32 initial partial, or to show cause for his failure to do so, plaintiff will be held to have withdrawn the action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 24th day of January, 2022.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge